

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
MAR 15 2016
SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON DEPUTY

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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,

Case No.: 2:15-PO-269-JTR

11 Plaintiff,

12 vs.

13 DYLAN T. ABRAMS,

14 UNSUPERVISED PRE-
TRIAL DIVERSION
15 AGREEMENT

16 Defendant.

17 Plaintiff, United States of America, by and through MICHAEL C.
18 ORMSBY, United States Attorney for the Eastern District of Washington, Tyler
19 H.L. Tornabene, Assistant United States Attorney, and Hannah Hadland, Law
20 Clerk, and Defendant, DYLAN T. ABRAMS, and the Defendant's counsel, J.
21 Stephen Roberts, Jr., of the Federal Defenders of Eastern Washington and Idaho,
22 agree to the following Unsupervised Pre-Trial Diversion Agreement
23 ("Agreement").

1 **CHARGES AND POTENTIAL OUTCOMES**

2 The Defendant is before the Court currently charged by mandatory Notice of
3 Violation # 3315371 (2:15-PO-269-JTR) for Failure To Comply With a Lawful
4 Order, in violation of 36 C.F.R. § 327.24(b).

5 This offense is a Class B misdemeanor and the Defendant understands that if
6 a conviction occurs, he will be subject to a sentencing which may include no more
7 than six (6) months imprisonment, and/or a \$5,000 fine, a \$10.00 special penalty
8 assessment, and a \$25.00 Central Violations Bureau (“CVB”) fee, and/or up to five
9 (5) years probation.

10 **DEFENDANT'S CONSTITUTIONAL RIGHTS AND WAIVERS**

11 I, DYLAN T. ABRAMS, hereby state that I have read this document in its
12 entirety. I understand the conditions of my supervised pre-trial diversion following
13 rights:

- 14 1. The right to a speedy and public trial in the place where the crime is
15 alleged to have been committed;
- 16 2. The right at trial to question witnesses who testify on my behalf;
- 17 3. The right at trial to call witnesses to testify for me;
- 18 4. The right to present evidence and a defense;
- 19 5. The right to appeal a judgment of guilt.

20 The Defendant understands that he is entitled to a trial that would determine
21 whether the United States could prove him guilty of the instant charge beyond a
22 reasonable doubt. He does, voluntarily and with knowledge of the above rights,
23 waive his right to a trial of this case by the Court.

1 By entering into this Agreement I understand that I am knowingly,
2 intelligently, and voluntarily waiving these rights.

3 **AGREED TO FACTUAL BACKGROUND**

4 The United States and the Defendant stipulate and agree that the following
5 facts are truthful and accurate and form a sufficient basis for a finding of guilt for
6 Failing to Comply with a Lawful Order, in violation of 36 C.F.R. § 327.24(b); that
7 the United States could prove these facts beyond a reasonable doubt at trial; and
8 that these facts can be used as a basis for making findings and entry of judgment
9 per the terms of this Agreement.

10 On August 30, 2015, at around 11:50 a.m., in the Eastern District of
11 Washington, the Defendant was identified by Natural Resource Specialist, Chris
12 Lorz, while exercising his duties as a Park Ranger at the Illia Dunes Recreation
13 Area. Officer Lorz observed the Defendant urinating next to the trail that led to the
14 beach. Officer Lorz approached the Defendant, who then attempted to ignore
15 Officer Lorz and walk away. Officer Lorz reintroduced himself and advised the
16 Defendant that he needed to talk to him about urinating in public and that the
17 Defendant was not free to go. The Defendant became very argumentative and
18 attempted to walk away multiple times. The Defendant then said he had to go to
19 the restroom. Officer Lorz told him to head to the parking lot where there were
20 restrooms. The Defendant failed to follow Officer Lorz' directions and did not
21 accompany Officer Lorz to the vehicle to retrieve his identification. Instead, the
22 Defendant turned and ran away from Officer Lorz and away from the parking lot
23 restrooms. With the help of other visitors, Officer Lorz and other rangers found the
24 Defendant on the beach, wearing a wide brim hat and shirt that he had not been
25 wearing originally. Officer Lorz then issued the Defendant a citation for violation
26

1 of 36 C.F.R. § 327.24(b), Failure to Comply With a Lawful Order (Failure to
2 Provide Identification).

3
4 **WHAT DEFENDANT PROMISES TO DO**

5 1. The Defendant shall pay a fine of \$100.00 payable by check or money
6 order to the Central Violations Bureau, P.O. Box 71363, Philadelphia, PA 19176-
7 1363 (or payable online at www.cvb.uscourts.gov) and may be paid in installments DTA
8 of no less than \$25.00 dollars per month until paid in full. *By March 15, 2017.*

9 2. The Defendant agrees to pay the \$25 mandatory CVB fee to the Central
10 Violations Bureau, at or before or immediately after sentencing, and shall provide TTH.
11 a receipt from the CVB to the United States as proof of this payment.

12 3. The Defendant shall perform 30 hours of community service before
13 March 15, 2017. The community service hours performed by the Defendant must
14 be with a 501(c)(3) organization with which neither the Defendant nor his
15 immediate family has any past or current affiliation.

16 4. The Defendant shall provide the U.S. Attorney's Office for the Eastern
17 District of Washington with written documentation as proof of the completed
18 community service by March 15, 2017. Written documentation must include the
19 name, signature, and contact information of the supervisor.

20 5. Written documentation must be mailed to:

21 United States Attorney's Office for the Eastern District of WA
22 c/o Hannah Hadland
23 Post Office Box 1494
24 Spokane, WA 99210-1494

1 The Defendant must also speak with a law clerk for the Spokane Petty
2 Offense Docket by calling (509) 353-2767 to confirm that proof of completed
3 community service was received by the United States Attorney's Office.
4

5 6. The Defendant shall not violate nor be charged with or convicted of any
6 criminal violations under federal, state, or local law before this cause is dismissed
7 without prejudice, or judgment is entered, per the terms of this Agreement. Civil
8 and Non-Criminal Traffic Infraction violations will not constitute a violation of
this Agreement.

9 7. The Defendant agrees to report any potential violation of the conditions
10 listed below to the United States Attorney's Office for the Eastern District of
11 Washington through his attorney within three (3) business days of the potential
12 violation. This communication should be done by telephone to (509) 353-2767.

13 **WHAT THE UNITED STATES AGREES TO DO**

14 If the Defendant complies with all the obligations mentioned above, no
15 prosecution for the conduct set out in the Factual Background section of this
16 Agreement will be instituted in the Eastern District of Washington and the United
17 States agrees to dismiss these charges without prejudice.
18

19 **BOTH PARTIES AGREE TO THE FOLLOWING PROCESS**

20 If the Defendant complies with all the obligations mentioned above, no
21 additional prosecution for conduct in the Factual Background will be instituted in
22 the Eastern District of Washington and the United States agrees to dismiss the
23 charge(s) without prejudice.
24

25 **BOTH PARTIES AGREE TO THE FOLLOWING PROCESS**

26 1. The Defendant agrees that this case shall be continued until March 15,
27 2017, and thereafter dismissed, without prejudice upon motion by the United
28

1 States, provided the Defendant abides by all the conditions and requirements
2 herein outlined.

3 2. Understands that if he fails or neglects to comply with any part of the
4 terms and conditions of the Agreement, then the Court will hold a hearing to
5 determine whether judgment should be entered as charged for Failure to Comply
6 With a Lawful Order in violation 36 C.F.R. § 327.24(b). After the hearing, the
7 Court will either order that Defendant continue with the conditions of his
8 unsupervised pre-trial diversion, order additional conditions, or be removed from
9 pre-trial diversion and enter judgment on the charges.

10 3. Should there be a violation of the terms of this Agreement, however, and
11 the Agreement is revoked, a conviction for the charged offenses may be imposed
12 pursuant to the procedures outlined herein. If a conviction occurs, the Defendant
13 understands he will be subject to a sentencing which may include up to 6 months
14 imprisonment and/or a \$5,000 fine.

15 4. Agrees that if the Court revokes the order granting this unsupervised pre-
16 trial diversion, the facts from the Factual Background above as well as Incident
17 Report, authored by Officer Chris Lorz, and any attachments thereto, will be
18 admissible as evidence to be used to support a finding of guilt when the Court
19 enters judgment. Defendant understands that by agreeing to this process, he is
20 giving up certain Constitutional rights. He specifically acknowledges that he is
21 giving up the right to a trial, the right to testify or not to testify, the right to
22 question witnesses, the right to call witnesses on his own behalf, and the right to
23 present evidence or a defense.

25 5. Both Parties agree that the Court has not yet issued any factual findings
26 with regards to a finding of Guilt by the Defendant.

DEFENDANT'S ACKNOWLEDGEMENT

1 By entering into this Agreement I understand that I am knowingly,
2 intelligently, and voluntarily waiving these rights. I further understand that by
3 continuing these charges until March 15, 2017, I am agreeing to follow the
4 procedures outlined in this Agreement.

5 I, DYLAN T. ABRAMS, hereby state that I have read this document in its
6 entirety. I understand the conditions of my unsupervised pre-trial diversion and
7 agree that I will comply with those conditions.

8 

9 03 / 15 / 2016

10 Date

11 DYLAN T. ABRAMS
12 Defendant

13 

14 3 / 15 / 16

15 Date

16 J. Stephen Roberts Jr.
Attorney for the Defendant

17 

18 3-15-16

19 Date

20 Tyler H.L. Tornabene
Assistant United States Attorney

21 

22 03-15-16

23 Date

24 Hannah Hadland
Law Clerk

EASTERN DISTRICT OF WASHINGTON
MAY 15 2016
SEAN F McAVOY, CLERK
SPOKANE, WASHINGTON DEPUTY

1 **UNITED STATES DISTRICT COURT**
2 **EASTERN DISTRICT OF WASHINGTON**

3 **UNITED STATES OF AMERICA,**
4 Plaintiff,
5 vs.
6 **DYLAN T. ABRAMS,**
7 Defendant.

Case No.: 2:15-PO-269-JTR

ORDER GRANTING
UNSUPERVISED PRE-
TRIAL DIVERSION
AGREEMENT

Upon consideration of the parties' Unsupervised Pre-Trial Diversion Agreement, and being fully advised of the facts and circumstances of this case, the Court finds the Defendant has agreed to comply with the terms and conditions of the Unsupervised Pre-Trial Diversion Agreement; that the Court finds the Defendant has acknowledged the admissibility of the stipulated facts and law enforcement reports in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting pre-trial diversion; that the Defendant's statements were made knowingly and voluntarily; and that the Defendant has knowingly and intelligently waived his Constitutional and statutory rights to a speedy trial, to question those witnesses against him, to call witnesses on his behalf, and to present evidence or a defense at trial.

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The Defendant is accepted for unsupervised pre-trial diversion;
2. The Defendant shall comply with all the terms and conditions as set forth in the Unsupervised Pre-Trial Diversion Agreement;

1 3. If the Court finds that the Defendant violated any term of the
2 Unsupervised Pre-Trial Diversion Agreement, the Court shall make findings
3 pursuant to the procedures outlined in the Agreement.

4
5
6
7 HON. John T. Rodgers
8 United States Magistrate Judge
9

3-15-16
Date